

REMARKS

Previously, claims 1-13 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claim 1 is amended and narrowed, claims 2-13 are cancelled, claims 14 and 15 are withdrawn, and claims 16 and 17 are added.

First, the claims of this application have been amended so as to focus more narrowly upon the key features of this invention comprising a tool with a fixed width passage for a car body between projections having coaxial holes. The projections have shallow grooves for a person to position the tool upon a car body with the grooves parallel to the kerf of the axle hole. With the body tool positioned, a person drills through the holes in both projections sequentially on both sides of the car body without removing the body tool from the car body. As claims 6-13 are now cancelled, those rejections are not addressed.

Second, regarding claim 1 now incorporating cancelled claims 2 and 5, Macintosh teaches the use of a drill guide for optical lenses. The drill guide mechanically clamps a lens, wrapped in protective material, between a screw and the second leg. Applicant asserts that a drill guide for optometric use is nonanalogous art that does not suggest usage of the lens clamp and body in the model car field, See *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

Next, Macintosh asserts multiple holes or bores 14c, 16, 18. However, those holes are concentric (Fig. 8) whereas the holes are spaced apart and parallel in both projections of the present invention. Additionally, the second leg in Macintosh has a threaded hole to accept the screw for use as a clamp. In contrast, the present invention has smooth holes to admit a drill bit. Macintosh then has apertures or holes of greater diameter than a drill bit, 18, 16 as shown in fig 8. The present invention has holes that admit no more than a drill bit. Claim 1 has been amended to narrow the description of the holes in the projections.

An optical lens has a generally thin thickness that a drill bit can penetrate from one direction. Macintosh recognizes the thickness of the lens and admits a drill bit through the screw from the second leg only. On the other hand, a model car has a width greater than the length of a drill bit of the sanctioned diameter for an axle. The present invention accommodates the width of the model car and the length of a drill bit. With the present invention upon a car body and positioning a hole coaxial with an axle kerf, a person drills through the hole in one projection then rotates the car body and drills through the hole in the other projection, without removing the body tool from the car body. Macintosh does not guide a drill bit through both legs.

Macintosh describes an optician positioning the guide over a dot inked onto the lens at the desired location. Macintosh's body covers a lens with the center of aperture 14c over the dot. Then the optician drills through the guide at the dot. The X character of the examiner's in the detail drawing of the latest office action indicates an edge inherent to the hexagonal end of Macintosh's body. In FIG. 7, the edge X is to the side of the dot. The flat face of the hexagonal end above the drill bit lacks an indicator of any kind. In contrast, the present invention uses engraved grooves upon the face of the projection farthest from the body so that when the present invention abuts the car body, a groove is directly above the axle kerf of the car body for a person to see.

Examiner has cited Prior Art disclosed in the application. The Prior Art refers to drilling through an axle kerf with the car body held by hand or a bench vise found in home workshops. A person must hold the drill precisely coaxial for reaming of an axle kerf. Unfortunately, most people do not hold a drill precisely coaxial, or even safely, to precisely ream an axle hole. As bench vises and handholds are adjustable, the Prior Art does not suggest a fixed width tool nor does it indicate success with a fixed width tool therefore, the Prior Art may not be used against this application, See *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir.

1991)(if the suggestion to combine and the expectation of success cannot be found in a reference, the reference may not be used against an application.) Further, the Prior Art describes present methods of reaming but does not expressly suggest improvements. Prior Art as a reference must suggest the desirability of modification, See *In re Laskowski*, 10 USPQ2d 1397,1398 (Fed. Cir. 1989)(where loose wheels were insufficient reference against tight wheels).

Third, regarding claim 1 incorporating the cancelled claim 3, Klapperich teaches a boring jig to prepare boards for assembly as cabinetry. Klapperich has four guide holes perpendicular to and collocated with slots. The slots have a length in excess of the thickness of the guide and a width to admit a centering pin for aligning the entire jig upon the pin. In contrast, the present invention has a groove upon the surface of each projection away from the body with only nominal depth and nominal width for visibility at arm's length. Applicant asserts that Klapperich does not suggest surface grooves and therefore can not be used as a reference against the present invention, See *In re Vaeck* and *In re Laskowski*.

Fourth, examiner asserts that obviousness upon combined references can not be attacked at each individual reference. However, obviousness from combined references can be attacked for lack of suggestion or expectation of success, See *In re Vaeck*.

Fifth, the Prior Art, Macintosh, and Klapperich do not suggest desirable improvements to hand held drilling, lens guides, and boring jigs to form a fixed width model car drilling tool, See *In re Laskowski*. As before, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See *Ex parte Beuther*, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

All of the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles C. McCloskey".

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